

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY MAY 6, 2013

AMENDED IN ASSEMBLY APRIL 23, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 549**

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**Introduced by Assembly Member Jones-Sawyer**

February 20, 2013

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An act to amend Section 32282 of, and to add Section 38000.5 to, of the Education Code, relating to school safety.

### LEGISLATIVE COUNSEL'S DIGEST

AB 549, as amended, Jones-Sawyer. Comprehensive school safety plans: mental health professionals and police role on campus guidelines.

Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for its schools operating kindergarten or any of grades 1 to 12, inclusive. Existing law requires the schoolsite council of a school to write and develop the comprehensive school safety plan relevant to the needs and resources of the particular school, except as specified with regard to a small school district. Existing law requires the comprehensive school safety plan to include specified strategies and programs that will provide or maintain a high level of school safety. *Existing law encourages, as comprehensive school safety*

*plans are reviewed and updated, all plans to include policies and procedures aimed at the prevention of bullying.*

~~This bill would require those strategies and programs to also encourage the comprehensive school safety plans to include the development of clear guidelines, as provided, for the roles and responsibilities of mental health and intervention professionals, if intervention professionals are used, school resource officers, and police officers on the school campus, thereby imposing a state-mandated local program. The bill would require these guidelines to conform to specific requirements, including the requirement that the primary function of police and school resource officers on campus is to focus on addressing those situations that require protecting the physical safety of pupils and school staff. The bill would require a school and school district that elects to apply for and receive state or federal funding for purposes of increasing campus safety to develop, if using funds for additional law enforcement personnel, clear memoranda of understanding with law enforcement on the roles and responsibilities of law enforcement, as provided. The bill would, if a school district has police officers on campus, encourage a school of that district to create a memorandum of understanding that clearly delineates the respective roles and responsibilities of the school and the police officers, as provided. campus.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~.  
State-mandated local program: ~~yes-no~~.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. (a) The Legislature finds and declares all of the~~
- 2     ~~following:~~
- 3     ~~(1) It is imperative that California maximizes the health, welfare,~~
- 4     ~~and safety of children in and out of schools.~~
- 5     ~~(2) Schools remain one of the safest places for pupils.~~

1 ~~(3) Recent California voter surveys indicate that Californians~~  
2 ~~strongly support planning, training, mental health services, and~~  
3 ~~teaching conflict resolution as ways to improve safety and prevent~~  
4 ~~violence in schools.~~

5 ~~(4) More than a ratio of 2-to-1 eligible California voters believe~~  
6 ~~having trained guidance counselors in every school would be more~~  
7 ~~effective than having armed police officers in the schools.~~

8 ~~(b) It is therefore the intent of the Legislature to foster a positive~~  
9 ~~learning environment for pupils in schools with role-appropriate~~  
10 ~~adults who are focused on academic excellence, health, wellness,~~  
11 ~~and safety.~~

12 ~~(c) Further, it is the intent of the Legislature to improve school~~  
13 ~~campus safety and academic success by better defining the roles~~  
14 ~~and responsibilities of adults on campus as they pertain to safety~~  
15 ~~and school discipline.~~

16 ~~SEC. 2.~~

17 *SECTION 1.* Section 32282 of the Education Code is amended  
18 to read:

19 32282. (a) The comprehensive school safety plan shall include,  
20 but not be limited to, both of the following:

21 (1) Assessing the current status of school crime committed on  
22 school campuses and at school-related functions.

23 (2) Identifying appropriate strategies and programs that will  
24 provide or maintain a high level of school safety and address the  
25 school's procedures for complying with existing laws related to  
26 school safety, which shall include the development of all of the  
27 following:

28 (A) Child abuse reporting procedures consistent with Article  
29 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of  
30 Part 4 of the Penal Code.

31 (B) Disaster procedures, routine and emergency, including  
32 adaptations for pupils with disabilities in accordance with the  
33 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.  
34 12101 et seq.). The disaster procedures shall also include, but not  
35 be limited to, both of the following:

36 (i) Establishing an earthquake emergency procedure system in  
37 every public school building having an occupant capacity of 50  
38 or more pupils or more than one classroom. A school district or  
39 county office of education may work with the California  
40 Emergency Management Agency and the Seismic Safety

1 Commission to develop and establish the earthquake emergency  
2 procedure system. The system shall include, but not be limited to,  
3 all of the following:

4 (I) A school building disaster plan, ready for implementation  
5 at any time, for maintaining the safety and care of pupils and staff.

6 (II) A drop procedure whereby each pupil and staff member  
7 takes cover under a table or desk, dropping to his or her knees,  
8 with the head protected by the arms, and the back to the windows.  
9 A drop procedure practice shall be held at least once each school  
10 quarter in elementary schools and at least once a semester in  
11 secondary schools.

12 (III) Protective measures to be taken before, during, and  
13 following an earthquake.

14 (IV) A program to ensure that pupils and both the certificated  
15 and classified staff are aware of, and properly trained in, the  
16 earthquake emergency procedure system.

17 (ii) Establishing a procedure to allow a public agency, including  
18 the American Red Cross, to use school buildings, grounds, and  
19 equipment for mass care and welfare shelters during disasters or  
20 other emergencies affecting the public health and welfare. The  
21 school district or county office of education shall cooperate with  
22 the public agency in furnishing and maintaining the services as  
23 the school district or county office of education may deem  
24 necessary to meet the needs of the community.

25 (C) Policies pursuant to subdivision (d) of Section 48915 for  
26 pupils who committed an act listed in subdivision (c) of Section  
27 48915 and other school-designated serious acts that would lead to  
28 suspension, expulsion, or mandatory expulsion recommendations  
29 pursuant to Article 1 (commencing with Section 48900) of Chapter  
30 6 of Part 27 of Division 4 of Title 2.

31 (D) Procedures to notify teachers of dangerous pupils pursuant  
32 to Section 49079.

33 (E) A discrimination and harassment policy consistent with the  
34 prohibition against discrimination contained in Chapter 2  
35 (commencing with Section 200) of Part 1.

36 (F) The provisions of a schoolwide dress code, pursuant to  
37 Section 35183, that prohibits pupils from wearing “gang-related  
38 apparel,” if the school has adopted that type of a dress code. For  
39 those purposes, the comprehensive school safety plan shall define  
40 “gang-related apparel.” The definition shall be limited to apparel

1 that, if worn or displayed on a school campus, reasonably could  
2 be determined to threaten the health and safety of the school  
3 environment. A schoolwide dress code established pursuant to this  
4 section and Section 35183 shall be enforced on the school campus  
5 and at any school-sponsored activity by the principal of the school  
6 or the person designated by the principal. For purposes of this  
7 paragraph, “gang-related apparel” shall not be considered a  
8 protected form of speech pursuant to Section 48950.

9 (G) Procedures for safe ingress and egress of pupils, parents,  
10 and school employees to and from school.

11 (H) A safe and orderly environment conducive to learning at  
12 the school.

13 (I) The rules and procedures on school discipline adopted  
14 pursuant to Sections 35291 and 35291.5.

15 ~~(J) Clear guidelines for the roles and responsibilities of mental~~  
16 ~~health and intervention professionals, if the school district uses~~  
17 ~~intervention professionals, school resource officers, and police~~  
18 ~~officers on the school campus. The guidelines shall conform to~~  
19 ~~the following requirements:~~

20 ~~(i) The primary strategies to create and maintain positive school~~  
21 ~~climate, promote school safety, and increase pupil achievement~~  
22 ~~shall emphasize and prioritize mental health and intervention~~  
23 ~~services, restorative and transformative justice programs, and~~  
24 ~~positive behavior interventions and support.~~

25 ~~(ii) The primary function of police and school resource officers~~  
26 ~~on a school campus shall be to focus on addressing those situations~~  
27 ~~that require protecting the physical safety of pupils and staff.~~

28 ~~(iii) The school shall consider existing strategies and model~~  
29 ~~approaches to minimize the involvement of law enforcement in~~  
30 ~~pupil conduct and minor offenses that do not rise to the level of a~~  
31 ~~serious and immediate threat to physical safety.~~

32 (b) It is the intent of the Legislature that schools develop  
33 comprehensive school safety plans using existing resources,  
34 including the materials and services of the partnership, pursuant  
35 to this chapter. It is also the intent of the Legislature that schools  
36 use the handbook developed and distributed by the School/Law  
37 Enforcement Partnership Program entitled “Safe Schools: A  
38 Planning Guide for Action” in conjunction with developing their  
39 plan for school safety.

1 (c) Grants to assist schools in implementing their comprehensive  
2 school safety plan shall be made available through the partnership  
3 as authorized by Section 32285.

4 (d) Each schoolsite council or school safety planning committee  
5 in developing and updating a comprehensive school safety plan  
6 shall, where practical, consult, cooperate, and coordinate with  
7 other schoolsite councils or school safety planning committees.

8 (e) The comprehensive school safety plan may be evaluated and  
9 amended, as needed, by the school safety planning committee, but  
10 shall be evaluated at least once a year, to ensure that the  
11 comprehensive school safety plan is properly implemented. An  
12 updated file of all safety-related plans and materials shall be readily  
13 available for inspection by the public.

14 (f) As comprehensive school safety plans are reviewed and  
15 updated, the Legislature encourages all plans, to the extent that  
16 resources are available, to include ~~policies both of the following:~~

17 (1) *Policies and procedures aimed at the prevention of bullying.*

18 (2) *Clear guidelines for the roles and responsibilities of mental  
19 health and intervention professionals, if the school district uses  
20 intervention professionals, school resource officers, and police  
21 officers on the school campus. The guidelines may include primary  
22 strategies to create and maintain a positive school climate, promote  
23 school safety, and increase pupil achievement, and prioritize  
24 mental health and intervention services, restorative and  
25 transformative justice programs, and positive behavior  
26 interventions and support.*

27 (g) The comprehensive school safety plan, as written and  
28 updated by the schoolsite council or school safety planning  
29 committee, shall be submitted for approval under subdivision (a)  
30 of Section 32288.

31 ~~(h) (1) A school or school district that elects to apply for and  
32 receive state or federal funding for purposes of increasing campus  
33 safety shall develop, if using funds for additional law enforcement  
34 personnel, clear memoranda of understanding with law enforcement  
35 on the roles and responsibilities of law enforcement on and off  
36 school campus. The memoranda of understanding shall be available  
37 to the public.~~

38 ~~(2) A school or school district, if electing to receive additional  
39 funding for campus safety from a state or federal source, is  
40 encouraged to use the funding to improve school climate, including~~

1 increasing school personnel, intervention workers, counselors, and  
2 other supportive mental health service providers, and to improve  
3 school-based programs, restorative and transformative justice, and  
4 schoolwide positive behavior intervention and support, to the extent  
5 this use is permitted by state and federal law.

6 SEC. 3. ~~Section 38000.5 is added to the Education Code, to~~  
7 ~~read:~~

8 38000.5. ~~If a school district has police officers on campus, a~~  
9 ~~school of that district is encouraged to create a memorandum of~~  
10 ~~understanding that clearly delineates the respective roles and~~  
11 ~~responsibilities of the school and the police officers in order to~~  
12 ~~maximize resources and to ensure that the administrative response~~  
13 ~~to pupil conduct and minor offenses are handled pursuant to school~~  
14 ~~district policies and state law before involving law enforcement.~~  
15 ~~A memorandum of understanding shall be public and shall include~~  
16 ~~participation and input from pupils, parents, and the full school~~  
17 ~~community.~~

18 SEC. 4. ~~If the Commission on State Mandates determines that~~  
19 ~~this act contains costs mandated by the state, reimbursement to~~  
20 ~~local agencies and school districts for those costs shall be made~~  
21 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
22 ~~4 of Title 2 of the Government Code.~~